

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BSG TECH LLC,  
Plaintiff

Case No. 2:16-cv-532

v.

RAKUTEN USA, INC.,  
Defendant

**JOINT UNOPPOSED MOTION TO SUBSTITUTE PARTY**

Plaintiff, BSG Tech LLC (“Plaintiff”) filed a Complaint in the above-captioned action against Rakuten USA, Inc. (“Rakuten USA”) on May 19, 2016 (Dkt. No. 1); and the parties have met and conferred and agreed to substitute Rakuten Commerce, LLC, as a defendant in this matter.

Plaintiff hereby files this Joint Unopposed Motion to Substitute Party to name Rakuten Commerce, LLC in the place of Rakuten USA, Inc., subject to the approval of the Court, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, which states:

*Other Amendments.* In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.

The Complaint’s allegations concerning Rakuten USA, Inc. shall be deemed to be directed to Rakuten Commerce, LLC, except for the allegations contained in the first sentence, Paragraph 2, which are deleted and replaced with the following:

Defendant Rakuten Commerce, LLC is a limited liability company organized and existing under the laws of the state of Delaware, with a principal place of business located at 85 Enterprise, Suite 100, Aliso Viejo, California 92656.

Rakuten Commerce, LLC shall respond to the Complaint in this action on the later of five (5) days following the entry of this Order by the Court or on July 26, 2016.

Given that counsel for Rakuten Commerce, LLC has agreed to the substitution, the Court should grant this motion under FRCP Rule 15(a)(2) without prejudice.

Dated: June 29, 2016

DIRECTION IP LAW

GILLAM & SMITH, LLP

/s/ David R. Bennett

/s/ Melissa R. Smith

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**RAKUTEN USA, INC. AND RAKUTEN**  
**COMMERCE, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 29, 2016, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5.

/s/David R. Bennett

David R. Bennett